

REMARKS

I. Status of Claims

The Office Action mailed February 10, 2009 has been received and carefully considered. Claims 1-17, 19-21 and 23-37 are pending with claims 1, 19, 20, 31 and 37 being independent. In this response, claims 1, 19, 31 and 37 have been amended. No new matter has been introduced by way of the claim amendments. Entry of the amendments to the claims is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

II. Allowability of Claims Over Prior Art

Applicant notes with appreciation the indication that claims 1-17, 19-21 and 23-37 are allowable over the prior art.

III. Response to Claim Rejections Under 35 U.S.C. §101

Claims 1, 19, 31 and 37 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. More specifically, the Office action asserts that claims 1, 19, 31 and 37 fall within the statutory class of a process and fail to meet specialized criteria for a process claim under 35 U.S.C. § 101. Further, the Office action asserts that under 35 U.S.C. § 101 a process claim must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Applicant respectfully disagrees that claims 1, 19, 31 and 37 fail to meet 35 U.S.C. § 101. However, in order to forward the present application toward allowance, Applicant has amended claims 1, 19, 31 and 37 to more specifically tie the claimed invention to another statutory class. In particular, Applicant has amended claims 1, 19, 31 and 37 to tie various process features to a “processor.” In view of the foregoing, it is respectfully requested that the aforementioned rejections under 35 U.S.C. § 101 be withdrawn.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

It is believed that no additional fees are due in connection with the filing of this Amendment. However, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-4100, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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Date: May 11, 2009

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